

Remark

Applicants respectfully request reconsideration of this application as amended.

No claims have been amended. No claims have been canceled. Claims 28-33 are new.

Therefore, claims 1-33 are now presented for examination.

35 U.S.C. §103 Rejection,

Youman

The Examiner has rejected claims 1-10 and 16-23 under 35 U.S.C. 103(a) as being unpatentable over Youman et al. U.S. Patent No. 5,629,733 ("Youman"). The Examiner and Applicants agree that Youman does not explicitly teach "performing a search for a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data when the selectable identifier is selected." Applicants submit that, absent the search, Youman necessarily also does not teach "presenting a result of the search on the display device."

The Examiner asserts that it would have been obvious, because it was well-known in the art for a user to select a movie and then have a second selection by the same actor or actress displayed. Applicants submit that even if this were true, the use of the selectable identifier in the way recited in the rejected claims is novel. In addition, Applicants disagree, first, that it would have been obvious to perform such a search and second that it is well-known to have a movie by the same actor or actress displayed.

35 U.S.C. §103 Rejection,

Cohen

The Examiner has rejected claims 11-15 and 24-27 under 35 U.S.C. 103 (a) as being unpatentable over Cohen et al. U.S. Patent No. 5,999,934 ("Cohen"). The Examiner acknowledges that Cohen does not teach a query interface, data engine, or a GUI. In particular, Applicants submit that Cohen does not teach a query interface with an identifier "selectable to display a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data." The section relied upon by the Examiner shows only a hierarchical category/sub-category numbering system. As further recited in Claim 12 a database interface unit searches the database for the second entertainment selection. This further refinement is also not present in the reference. While the Examiner asserts that these features are obvious, there is no suggestion of providing such features in the cited references.

Response to Arguments

The Examiner has presented several court decisions to support the idea that obviousness can be found without any explicit teaching or suggestion in the cited references. Applicants disagree with the Examiner's interpretation of these old cases and further submit that the Federal Circuit has more recently limited the scope of what can be inferred from a reference. However, this complex legal issue need not be resolved in order to bring the case to allowance.

The Examiner fails to see the limitation of "performing a search for a second entertainment selection when a selectable identifier corresponding to a first selection is selected." The relevant language of Claim 1 that supports Applicants' statement of this limitation is presented in the extract below in bold and underlining.

...presenting **a first set of entertainment system data in the obtained record corresponding to the first entertainment selection** on a display device;

presenting **a selectable identifier corresponding to the first set of entertainment system data** on the display device;

performing a search for a second entertainment selection
having a corresponding second set of entertainment system data related to the first set of entertainment system data **when the selectable identifier is selected**; and ...

The Examiner asserts that it would have been obvious to have the search of records to be data received from different sources. The Examiner is reading "data" to be the video signal of the entertainment programming, such as an RF signal or a cable signal. However, the references do not suggest that the video signals be searched. Searching is applied to a separate data store that contains data about the selections that are transmitted via the video signals. The references do not suggest that this searchable data store be built from different sources.

The Examiner fails to see the limitation of "the search is for an entertainment selection having a second set of entertainment system data related to the first set of entertainment system data." The relevant language of Claim 1 that supports Applicants' statement of this limitation is presented in the extract below in bold and underlining.

...**performing a search for a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data** when the selectable identifier is selected; and ...

The Examiner fails to see the limitation of "the user does not need to know a category, a title, a show time, a rating or anything else." There is nothing in any of the pending claims that requires the user to know any of the listed items nor is there anything in the claims to exclude a user from knowing any of the listed items. Accordingly, the user does not need to know, although the user may know. In Youman, the user must know in order to find the second entertainment selection.

New Claims

In the interest of expediting prosecution and resolving issues for appeal. Applicants submit herewith new claims 28-33 which restate the invention based on Claim 1. The claims are not believed to raise any new issues. Applicant submits that these claims overcome the outstanding rejections and request that in lieu of allowance of the entire case, that these claims be allowed.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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